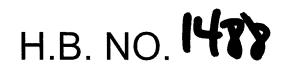
### HOUSE OF REPRESENTATIVES THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII



### A BILL FOR AN ACT

RELATING TO RESPITE CARE.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2	amended by adding a new section to part I to be appropriately
3	designated and to read as follows:
4	" <u>§321-</u> Respite care for certain home operators. (a)
5	The department of health shall provide respite care for
6	operators of type I adult residential care homes, community care
7	foster family homes, and expanded adult residential care homes;
8	provided that the operator of the adult residential care home,
9	community care foster family home, and expanded adult
10	residential care home regularly employs no other employee:
11	(1) Who is not related to the operator; and
12	(2) Who does not reside in the home.
13	(b) The respite care provided by the department of health
14	shall consist of:
15	(1) Providing temporary lodging for days for the
16	operator's clients who are medicaid recipients;



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1	(2)	Paying the operator to employ a substitute caregiver
2		for days at the adult residential care home,
3		community care foster family home, or expanded adult
4		residential care home; provided that the substitute
5		caregiver is a certified nurse aide, as defined in
6		section 457A-1.5, who has completed a state-approved
7		training program and other training as required by the
8		department of health; or
9	(3)	Any combination thereof.
10	(c)	Upon the request of the operator of a type I adult
11	residenti	al care home, community care foster family home, or
12	expanded	adult residential care home that meets the requirements
13	of this s	ection and rules adopted pursuant to this section, the
14	departmen	t of health shall provide respite care to the operator.
15	The depar	tment of health shall make respite care available to
16	any opera	tor of a type I adult residential care home, community
17	care fost	er family home, or expanded adult residential care home
18	<u>on any in</u>	habited island of the State that meets the requirements
19	of this s	ection and rules adopted pursuant to this section.
20	<u>(d)</u>	The department of health shall adopt rules pursuant to
21	chapter 9	1 to implement this section.



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1	(e) As used in this section:
2	"Client" means any person who receives home- and community-
3	based case management services to reside in an adult residential
4	care home, community care foster family home, or expanded adult
5	residential care home.
6	"Community care foster family home" has the same meaning as
7	in section 321-481.
8	"Operator" means an individual who operates an adult
9	residential care home, community care foster family home, or
10	expanded adult residential care home.
11	"Type I adult residential care home" means an adult
12	residential care home for five or fewer residents."
13	SECTION 2. There is appropriated out of the general
14	revenues of the State of Hawaii the sum of \$ or so
15	much thereof as may be necessary for fiscal year 2023-2024 and
16	the same sum or so much thereof as may be necessary for fiscal
17	year 2024-2025 for the department of health to provide respite
18	care for operators of certain type I adult residential care
19	homes, community care foster family homes, and expanded adult
20	residential care homes pursuant to this Act.

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The sums appropriated shall be expended by the department 1 of health for the purposes of this Act. 2 3 SECTION 3. New statutory material is underscored. 4 SECTION 4. This Act shall take effect on July 1, 2023. 5 INTRODUCED BY:

JAN 2 5 2023



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#### Report Title:

Respite Care; Operators; Type I Adult Residential Care Homes; Community Care Foster Family Homes; Expanded Adult Residential Care Homes; Department of Health; Appropriation

#### Description:

Requires the department of health to provide respite care, paid for by the State, to operators of certain care homes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

